

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17479 of 2007

Dated:20.08.2007

Between:

Avula Sesha Reddy, S/o.Nagi Reddy.

...Petitioner

and

Gram Panchayat,
Rep.by its Panchayat Secretary,
Kaligiri, Nellore District,
and others.

...Respondents

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ORDER:

The petitioner is a resident of Kaligiri Village and Mandal in Nellore District. He allegedly claims the land in an extent of Ac.1.50 cents in Survey No.781/2 in the said Village as ancestral property. When the same was purchased by the second respondent under registered sale deed dated 16.03.1992, who in turn sold to the third respondent, the petitioner filed a suit for partition. In the meanwhile, it is alleged that respondents

2 and 3 started construction of buildings in the land in Survey No.781/2 without obtaining necessary building approval from the Gram Panchayat. Therefore, he got issued a legal notice dated 19.07.2007 to the first respondent, in vain. Hence this Writ Petition is filed seeking a direction to the first respondent.

The legal notice issued by the petitioner was only on 19.07.2007. The proof of service of such legal notice on the first respondent is not placed before this Court. Therefore, this Court is of the opinion that the Writ Petition is filed in haste without even waiting for the Gram Panchayat to act upon the legal notice. Secondly, if the petitioner claims that the land in Survey No.781/2 is ancestral property

and respondents 2 and 3 are making construction thereon, nothing prevents the petitioner to file a civil suit for injunction. The public law remedy is misconceived in such a matter.

The Writ Petition is misconceived, and the same is accordingly dismissed. No costs.

(V.V.S.RAO, J)

20.08.2007

vs